



August 10, 2009

**Workforce Investment Act Policy Letter No. 08-12.2**

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents,  
Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Suitability Requirements for the Workforce Investment Act (WIA)

**I. Purpose**

To provide direction to local Workforce Investment Boards (WIBs) in the development of local policy for determining suitability and the "need" for intensive and training services, including WIA adult-funded Individual Training Accounts (ITAs) for adults and dependent adults served in the adult program.

**II. Effective Date**

Immediately

**III. Background**

The WIA program is designed to provide employment and training opportunities to those who can benefit from, and who are most in need of such opportunities. However, WIA is not an entitlement program. This requires local WIBs to ensure that eligible individuals are determined to be suitable for program enrollment based upon a consistent equitable assessment that is relevant to the level of services for which the individuals are applying.

Enrollment into the WIA adult program requires applicants to be at least 18 years of age, properly registered for Selective Service, and authorized to work in the U.S. Further, all employed individuals must demonstrate that they are not self-sufficient as defined by the local WIB policy in order to move from core to intensive services. Access to ITAs requires additional assessments in order to receive WIA adult-funded training, including a determination of the "need" for training services. All available sources of funds (including grants such as Pell, but excluding loans) should be considered in determining an individual's need for WIA funds.

## **IV. Requirements**

### **A. Determination of Suitability**

Services available through the WIA adult and dislocated worker programs are obtained through the delivery of core, intensive, and training services. As described in US Department of Labor (USDOL) TEGL 17-05, informational services (otherwise known as "unregistered" core) are available to the universal customer, without regard to program eligibility or suitability for registered services. These unregistered core services provide access to the workforce investment system information and activities, and enable the individual to identify his or her own strengths, weaknesses, and the range of services that require significant staff involvement beyond staff assisted core.

Determining an individual's suitability and "need" for intensive services requires one-on-one assistance with WIA staff, and it is here that information must be obtained to identify if WIA intensive services are appropriate for the eligible core services participant. A review of individual barriers (current or potential), work history, existing skills, interests, expectations, and the availability of appropriate intensive services in the local area are all factors that should be reviewed in order to determine if the individual should be enrolled.

Access to training services requires even more information in order to determine if training is appropriate for the intensive services participant. The regulations require that in order to receive training services, the participant must:

1. Be unable to obtain or retain employment through intensive services;
2. Be determined to be in need of training after an individual interview, evaluation, or assessment;
3. Have the skills and qualifications to successfully participate in the selected program of training services;
4. Select a program of training services that are directly linked to the employment opportunities in the local area involved or in other areas in which the individual is willing to relocate; and
5. Be unable to obtain other grant assistance for training or require assistance beyond the assistance made available under other grant assistance programs including Pell Grant funds.

Other relevant factors that must be considered are the self-sufficiency standard and a determination of any close relationships to immediate family and stakeholders in the WIA workforce system. (See WIAPLs 08-11 and 08-13) This information, combined with assessment data collected during intensive services (such as a review of barriers, dependency, employment history, interests, etc), help determine suitability or "need" for training assistance. If it is determined that a relationship exists between the training applicant and a stakeholder or relative in the WIA workforce system, case managers must follow the local WIB

policy that describes the mandatory procedures governing how these individuals may be assessed and potentially served.

WIA staff must gather information and assess suitability in a timely fashion. What is considered timely depends upon what is needed for each individual, is in his or her best interest, and is directly related to the time that is necessary to ensure an appropriate decision is made that allows the participant to successfully complete any planned intensive or training services. Local WIBs should strive to establish a customer flow that allows an expedited path to needed services in order to maximize the amount of time a dislocated worker can receive financial support through Unemployment Compensation and / or Trade benefits while enrolled in services.

## **B. Determination of Suitability for ITAs**

The WIA legislation requires that individuals receiving WIA adult-funded ITAs be unable to obtain sufficient grant resources to cover the cost of training. Local areas must adopt a policy that establishes a family self-sufficiency standard, which should include both the employed and unemployed individuals.

In order to be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15). Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services

The process to obtain this information is a local decision. However, this information should be a combination of—among other things—standardized tests, interviews, inventory of applicants' fields of interest, skills assessments, career exploration, and available labor market information.

Effective immediately, all individuals ages 18-23 that are applying for ITAs under the WIA adult program are required to be screened for dependency status.

Individuals who are dependent, as defined under WIAPL 08-11, shall not receive WIA adult-funded ITAs without consideration of the family self-sufficiency standard.

For individuals who are interested in attending training through ITAs funded through the WIA adult program, local WIBs must determine if they meet a locally-defined "family self-sufficiency" standard, in addition to the other training assessment requirements found in WIA section 663.310.

**Local WIBs are not required to apply the locally-defined "family self-sufficiency" standard to dislocated workers applying for ITAs.** However, as

always, dislocated workers are still required to meet the regulatory training requirements.

There are two separate determinations that must be made before an ITA can be issued for an adult participant: eligibility and suitability.

When determining eligibility for moving from core to intensive services, the local area must apply its self-sufficiency policy for employed adults. Suitability for program enrollment into the adult and dislocated worker programs must be driven by local WIB policy and applies to eligible adults and dislocated workers that progress from registered core to intensive services. And, when determining suitability, effective immediately, all individuals under the WIA adult program are required to be screened for dependency status. Dependency status will be determined by completing the Determination of WIA Dependent Status Checklist, Attachment A of WIAPL 08-11. Once a determination is made as to a WIA adult program applicant's dependency status, then the local WIB must apply all appropriate individual/family income and eligibility criteria.

## **C. Exceptions**

### **Extenuating Circumstances**

"Extenuating Circumstances" are defined as an economic hardship that is beyond the reasonable control of the person(s) responsible for providing financial assistance to the WIA participant for training. The costs related to the economic hardship must be the responsibility of that person or for his or her legal dependent, spouse, or parent. Those costs must be ongoing and expected to cause a financial hardship for the duration of the ITA.

Economic hardships include:

- The portion of medical procedure or prescription medication costs that are not covered by insurance and are ongoing and determined to be medically essential;
- Health insurance premium payments that are not paid for by private or public sources;
- Payments on past due or back mortgage, rent, or essential services (e.g., electric, water, natural gas, propane, and other utility arrearages) that accumulated because of involuntary unemployment or underemployment;
- Ongoing payments to a nursing home, home health care provider, elder care provider, or assisted living provider; and
- Payments toward debt that accumulated as a result of a natural disaster, severe illness, or disability;

Extenuating circumstances do not include normal rent, mortgage, utility, court ordered child support, court ordered spousal support, automobile, fuel, grocery, credit card, or "pay-day loan," payments.

A local WIB designee may approve exceptions on a case by case basis for family income that exceeds the family self-sufficiency standard. Documentation explaining the extenuating circumstances must be maintained in the participant file, along with the signature approval of the local WIB Fiscal Agent and Executive Director. The WIB Chair may sign in lieu of the Executive Director if an Executive Director is not available.

#### **D. Documentation**

Documentation must be maintained in the participant file in order to justify the decision to enroll in intensive and training services and to justify the financial need of dependent adults with ITAs. The type of documentation will be driven by requirements at the local level that, at a minimum, meet the conditions described in this policy; including family self-sufficiency standard documents. Additional documentation requirements are found in WIATL 27.

#### **E. WIB Policy Requirements**

Each local WIB must develop a suitability policy for enrollment into the WIA adult and/or dislocated worker intensive and training program that is responsive to the level of service the individual is seeking. For example, it may not be necessary to conduct the same type of assessment for individuals in need of intensive services as is appropriate for individuals applying for training services. However, in instances where it is known that a registered core services participant is in need of training, the suitability assessment for intensive and training services may be combined in order to minimize the length of time required for this activity.

The local WIB suitability policy, including the definition of family self-sufficiency, must be submitted to the Ohio Department of Job and Family Services, Office of Workforce Development (OWD) for review and approval within 45 days of this policy to: [WIAQNA@JFS.OHIO.GOV](mailto:WIAQNA@JFS.OHIO.GOV) with "Suitability Policy" in the subject line. A representative from OWD will review the local WIB policy. Once the policy has been reviewed for compliance to the minimum specification described in this policy, the reviewed policy will be added to the local business plan on file with OWD.

The local policy must include documentation required for suitability determination (see section D. Documentation). A reference to the WIB approved policy regarding disclosure and procedures for serving relatives and stakeholders of the WIA workforce system must also be included in the local suitability policy. Close relationships could cause a real or perceived conflict for enrollment in the WIA program.

Beginning 5/1/09, ODJFS monitors and auditors will review adherence to the local suitability policy during comprehensive monitoring visits.

**V. Technical Assistance**

For additional information, you may send your questions to the Office of Workforce Development: [WIAQNA@JFS.OHIO.GOV](mailto:WIAQNA@JFS.OHIO.GOV).

**VI. References**

Workforce Investment Act of 1998, Public Law 105-220  
Workforce Investment Act Final Rules, 20 CFR Part 652, et. al.  
U. S. DOL TEGL 17-05  
ODJFS, WIAPL 08-11  
Funding Education Beyond High School, The Guide to Federal Student Aid- U. S. Department of Education, [www.FederalStudentAid.ed.gov](http://www.FederalStudentAid.ed.gov)